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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 08-0237 MHP  
Plaintiff, )  
v. ) STIPULATION AND [PROPOSED]  
DAVID NOSAL, ) ORDER SETTING DATES AND  
Defendant. ) DOCUMENTING EXCLUSION OF  
TIME

With the agreement of the defendant David Nosal in open court on May 18, 2009, the Court enters this order (1) setting a trial date of February 9, 2010; (2) setting a pretrial conference date of January 19, 2010; (3) setting a briefing schedule for pretrial motions; and (4) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from May 18, 2009, to January 19, 2010. The parties stipulate, and the Court finds and holds, as follows:

1. The defendant and counsel for the parties appeared before the Court on May 18, 2009. Counsel for the defendant, Steven F. Gruel, informed the Court that this case involved a significant amount of discovery, that he had recently finished a civil trial, and that he was scheduled to go to trial in several more cases between the date of the May 18 hearing and November 2009. Counsel for the defendant, Dennis P. Riordan, informed the Court that he had approximately seven opening appellate briefs (and an equal number of

**STIP. & [PROPOSED] ORDER SETTING DATES &  
DOCUMENTING EXCLUSION OF TIME [CR 08-0237 MHP ]**

1 reply appellate briefs) to prepare in the next several months. Based on these facts, both  
2 counsel for the defendant need significant time in order to effectively prepare for trial in  
3 this matter, especially in light of Mr. Riordan's more recent retention as counsel, and both  
4 defense counsel are unavailable for significant periods during the remainder of 2009.

5       2. Based on these facts, the Court set a trial date in this matter of February 9,  
6 2010, and a pretrial conference date of January 19, 2010. The Court also set a briefing  
7 schedule for pretrial motions. Any motions other than motions in limine are to be filed by  
8 October 5, 2009. The responding party will have until November 2, 2009, to file its brief.  
9 Any reply brief should be filed by November 9, 2009. The Court set a motions hearing  
10 date for December 7, 2009, at 11:00 a.m. If the parties do not file any pretrial motions,  
11 the parties will nevertheless appear on December 7, 2009, for a status hearing.

12       3. Based on the facts set out above and on the record in open court, the parties  
13 agree, and the Court so finds, that taking into the account the public interest in the prompt  
14 disposition of criminal cases, granting a continuance of the trial until February 9, 2010, is  
15 necessary based on the need for effective preparation of defense counsel, and for  
16 continuity of defense counsel. See 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). Given these  
17 circumstances, the Court finds that the ends of justice served by excluding the period  
18 from May 18, 2009, to January 19, 2010 (the date of the pretrial conference), outweigh  
19 the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

20       4. Accordingly, and with the consent of the defendant David Nosal, the  
21 Court (1) sets a trial date in this matter for February 9, 2010; (2) sets a pretrial conference  
22 date of January 19, 2010; (3) sets the briefing and hearing schedule for pretrial motions as  
23 set forth in ¶ 2 above; and (4) orders that the period from May 18, 2009, to January 19,

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1 2010, be excluded from Speedy Trial Act calculations under 18 U.S.C.

2 § 3161(h)(7)(B)(ii) and (iv).

3 SO STIPULATED.

4 DATED: May 19, 2009

SCOTT N. SCHOOLS  
Associate Deputy Attorney General  
Acting United States Attorney

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7 DATED: May 19, 2009

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/s/  
KYLE F. WALDINGER  
Assistant United States Attorney

10 DATED: May 19, 2009

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13 IT IS SO ORDERED.

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/s/  
STEVEN F. GRUEL  
Attorney for the defendant David Nosal

15 DATED: 5/20 , 2009

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